

Docket No.: INTEL-0054

**BEST AVAILABLE COPY**

**PATENT** *IFW*

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Initial Application of

Confirmation No.: 4115

**Nasser A. KURD, Javed S. BARKATULLA  
and Paul MADLAND**

Group Art Unit: 2816

Serial No.: 10/813,551

Examiner: To be Assigned

Filed: 3/31/2004

Customer No.: **49623**

For: **ADAPTIVE FREQUENCY CLOCK GENERATION SYSTEM**

**SEPARATE PAPER UNDER 37 C.F.R. 1.32**

U.S. Patent and Trademark Office  
Customer Service Window  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

In accordance with 37 C.F.R. 1.32 the following appointed attorneys are all registered attorneys under Customer Number **49623**.

Mark L. Fleshner, Registration Number 34,596;

David C. Oren, Registration Number 38,694;

Samuel W. Ntiros, Registration Number 39,318; and

David A. Bilodeau, Registration Number 42,325.

Attached herewith is the Declaration and Power of Attorney filed on March 31, 2004.

It is believe that no fee is due. However, to the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due

Serial No.: 10/813,551

Docket No.: INTEL-0054

in connection with the filing of this paper, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,  
FRESHNER & KIM, LLP



David C. Oren, Esq.  
Registration No. 38,694

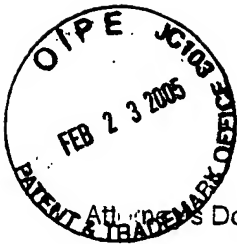
P. O. Box 221200  
Chantilly, Virginia 20153-1200  
(703) 766-3701

**Date: February 23, 2005**

**Please direct all correspondence to Customer Number 49623**

Q:\Documents\2112-054\Document in ProLaw  
DCO:vrj

BEST AVAILABLE COPY



Intel Docket No.: INTEL-0054

PATENT

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION  
(FOR INTEL CORPORATION PATENT APPLICATIONS)

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled ADAPTIVE FREQUENCY CLOCK GENERATION SYSTEM

the specification of which

X is attached hereto.  
     as filed on (MM/DD/YYYY) as  
United States Application Number  
or PCT International Application Number \_\_\_\_\_  
and was amended on (MM/DD/YYYY) \_\_\_\_\_  
(if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claim(s), as amended by any amendment referred to above. I do not know and do not believe that the claimed invention was ever known or used in the United States of America before my invention thereof, or patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application. I do not know and do not believe that the claimed invention was in public use or on sale in the United States of America more than one year prior to this application, nor do I know or believe that the invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigned more than twelve months (for a utility patent application) or six months (for a design patent application) prior to this application.

I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d), of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>			<u>Priority Claimed</u>	
_____ (Number)	_____ (Country)	_____ (Foreign Filing Date - MM/DD/YYYY)	Yes	No
_____ (Number)	_____ (Country)	_____ (Foreign Filing Date - MM/DD/YYYY)	Yes	No
_____ (Number)	_____ (Country)	_____ (Foreign Filing Date - MM/DD/YYYY)	Yes	No

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

_____ Application Number	_____ (Filing Date - MM/DD/YYYY)
_____ Application Number	_____ (Filing Date - MM/DD/YYYY)

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

_____ Application Number	_____ (Filing Date - MM/DD/YYYY)	_____ Status -- patented, pending, abandoned
_____ Application Number	_____ (Filing Date - MM/DD/YYYY)	_____ Status -- patented, pending, abandoned

I hereby appoint the persons listed on Appendix A hereto (which is incorporated by reference and a part of this document) as my respective patent attorneys and patent agents, with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

Send correspondence to Mark L. Fleshner, FLESHNER & KIM, LLP  
(Name of Attorney or Agent)

P.O. Box 221200, Chantilly, Virginia 20153-1200 and direct telephone calls to

David C. Oren at (703) 766-3701.  
(Name of Attorney or Agent)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor Nasser A. KURD

Inventor's Signature  Date 3/24/04

Residence Portland, OR Citizenship U.S.  
(City, State) (Country)

Post Office Address 4284 NW 125th Ave., Portland, OR 97229

Full Name of Second/Joint Inventor Javed S. BARKATULLAH

Inventor's Signature  Date 3/24/04

Residence Portland, OR Citizenship U.S.  
(City, State) (Country)

Post Office Address 14197 NW Stonebridge Dr., Portland, OR 97229

Full Name of Third/Joint Inventor Paul MADLAND

Inventor's Signature \_\_\_\_\_ Date \_\_\_\_\_

Residence Beaverton, OR Citizenship U.S.  
(City, State) (Country)

Post Office Address 9598 SW Stonecreek Dr., Beaverton, OR 97007

APPENDIX A

Daniel Y.J. Kim, Reg. No. 36,186; Mark L. Fleshner, Reg. No. 34,596; Carl R. Wesolowski, Reg. No. 40,372; John C. Eisenhart, Reg. No. 38,128; Carol L. Druzbeck, Reg. No. 40,287; Rene A. Vazquez, Reg. No. 38,647; Donald R. McPhail, Reg. No. 35,811; Samuel W. Ntiro, Reg. No. 39,318; Reg. No. 46,507; David C. Oren, Reg. No. 38,694 my patent attorneys, and Timothy M. Speer, Reg. No. 47,355; my patent agents, of FLESHNER & KIM, LLP, with offices located at P.O. Box 221200, Chantilly, Virginia 20153-1200, telephone (703) 766-3701, and Alan K. Aldous, Reg. No. 31,905; Ed Brake, Reg. No. 37,784; Ben Burge, Reg. No. 42,372; Robert A. Burtzloff, Reg. No. 35,466; Richard C. Calderwood, Reg. No. 35,468; Jeffrey S. Draeger, Reg. No. 41,000; Cynthia Thomas Faatz, Reg. No. 39,973; Jeffrey B. Huter, Reg. No. 41,086; John Kacvinsky, Reg. No. 40,040; Seth Z. Kalson, Reg. No. 40,670; David J. Kaplan, Reg. No. 41,105; Peter Lam, Reg. No. 44,855; Anthony Martinez, Reg. No. 44,223; Paul Nagy, Reg. No. 37,896; Dennis A. Nicholls, Reg. No. 42,036; Leo V. Novakoski, Reg. No. 37,198; Lanny Parker, Reg. No. 44,281; Thomas C. Reynolds, Reg. No. 32,488; Kenneth M. Seddon, Reg. No. 43,105; Mark Seeley, Reg. No. 32,099; Steven P. Skabrat, Reg. No. 36,279; Howard A. Skaist, Reg. No. 36,008; Robert G. Winkle, Reg. No. 37,474; Sharon Wong, Reg. No. 37,760; Steven D. Yates, Reg. No. 42,242; Calvin E. Wells; Reg. No. 43,056 and Charles K. Young, Reg. No. 39,435, my patent attorneys, of INTEL CORPORATION; and James R. Thein, Reg. No. 31,710, my patent agent; with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected herewith.

## APPENDIX B

### Title 37, Code of Federal Regulations, Section 1.56 Duty to Disclose Information Material to Patentability

BEST AVAILABLE COPY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

(1) Prior art cited in search reports of a foreign patent office in a counterpart application, and

(2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the applicant takes in:

(i) Opposing an argument of unpatentability relied on by the Office, or

(ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

(1) Each inventor named in the application;

(2) Each attorney or agent who prepares or prosecutes the application; and

(3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.